



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 10

1200 Sixth Avenue, Suite 900  
Seattle, Washington 98101-3140

MAY - 5 2015

OFFICE OF  
COMPLIANCE AND ENFORCEMENT

Reply To: OCE-084

**CERTIFIED MAIL - RETURN RECEIPT REQUESTED**

Cord Christensen  
CEO  
True Science LLC  
500 E. Shore Drive  
Eagle, Idaho 83616

Re: **NOTICE OF WARNING** on violations of the Federal Insecticide, Fungicide, and Rodenticide Act

Dear Mr. Christensen:

This letter is notification from the U.S. Environmental Protection Agency (EPA) that you are in violation of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) for selling and distributing misbranded pesticides. In March, EPA received information showing that your products: PetAction Plus, PetLock Plus and Petworks Plus (brand names under EPA Registration Number 88052-13-89609) are in violation of FIFRA.

Specifically, these products are misbranded and in violation of FIFRA because the labels bear an incorrect EPA establishment number and do not conform to requirements outlined in the Office of Pesticide Programs (OPP), April 13, 2007 "EPA Internal Guidance: Guidelines for Active Ingredient Reference Statements on Me-Too Product Labels (Guidance)."

The products bear a sticker attached to a plastic overwrap that states:

**NEW!** CONTAINS THE SAME ACTIVE INGREDIENTS •FIPRONIL AND •(S)- METHOPRENE  
FOUND IN FRONTLINE PLUS FOR DOGS

This statement is considered an Active Ingredient Reference Statement, which must follow requirements outlined in OPP's Guidance document described above and enclosed with this Notice of Warning. The Guidance, in part, states:

**Disclaimer:**

The label needs to contain an appropriate disclaimer stating that the generic, me-too product "is not manufactured or distributed by" the registrant or marketer of the referenced or "brand-name" product. This disclaimer must be placed in the same area of the label so that both the statement and disclaimer can be viewed together. For example, the comparison statement cannot be placed on the front panel and the disclaimer on the back.

It is the registrant's responsibility to use the correct trademark and copyright symbols.

**Font Size:**

The point type size of the statement shall not be greater than that of the Signal Word (see 40 CFR 156.60 (b)).

**Font Type:**

The Brand Name referenced must not be more conspicuous than the rest of the statement. Therefore, the entire statement must be in the same point type size and type without bold or highlighting.

The Active Ingredient Reference Statements for PetAction Plus, PetLock Plus and Petworks Plus does not contain the required disclaimer statement and the font size is greater than the signal word. The brand name in the reference statement also contains font type that is more conspicuous than the rest of the statement.

Furthermore, the Pet Action Plus, PetLock Plus and Petworks Plus product labels list the EPA establishment number "74720-DEU-01", located in Klocke, Germany. However, this facility was not the last facility to "produce" these products. According to FIFRA Section 2(w) and Title 40 of the Code of Federal Regulations Part 167.3 "produce" means to manufacture, prepare, propagate, compound, processes any pesticide, or to package, repackage, label, relabel, or otherwise change the container of any pesticide. According to the information you provided EPA, a TruRX LLC establishment in Daytona Beach, Florida, (EPA Est. No. 089609-FL-001) wraps the products with a plastic clamshell bearing the above Active Ingredient Reference Statements. As indicated above, this activity is considered "production" which must be done in an EPA registered establishment. The establishment number for the Florida facility must therefore be placed on the product label to indicate it was the last facility to "produce" the product.

Selling and distributing the above pesticides as currently packaged and labeled is a violation of FIFRA Section 12(a)(1)(E) which states it is unlawful to sell or distribute misbranded pesticides. Violating the provisions of FIFRA can subject you to stop sale orders or civil penalties of up to \$7,500.00 per violation.

I understand you have been in communication with Gianpaolo Boccato of my office regarding these issues and that you submitted a Corrective Action Plan (Plan) to him on March 30, 2015 (enclosed). In the plan, you state:

1. True Science will immediately update the execution of the label to add the disclaimer language in the form attached to this letter as Exhibit A, see page 1 of 4 for PetAction Plus and Page 3 of 4 for PetLock Plus.
2. Given that language will be added, True Science will also update the EPA Establishment Number to clearly identify the EPA registered facility adding the disclaimer language in the form attached to this letter as Exhibit A, see page 2 of 4 for PetAction Plus and Page 4 of 4 for PetLock Plus.

For your information, on April 29, 2015, EPA accepted the amended label for your products which contains the appropriate Active Ingredient Reference Statement and the disclaimer.



**This Plan adequately addresses the misbranding violations and is acceptable to EPA Region 10.**

However, please note that any state or other EPA Region may deem it necessary to issue stop sale orders for misbranded product currently in their market place. Please provide a written response within 30 days of receipt of this letter to Mr. Boccato and describe the steps you will take to ensure future compliance with FIFRA. Please send the response to:

Gianpaolo Boccato  
U.S. EPA - Region 10  
Pesticides and Toxics Unit, OCE-084  
1200 6th Avenue, Suite 900  
Seattle, Washington 98101

If you have any questions about this letter or the requirements of FIFRA, you can contact Mr. Boccato by phone at (206) 553-1193 or by email at [boccato.gianpaolo@epa.gov](mailto:boccato.gianpaolo@epa.gov).

Sincerely,



Kelly McFadden, Manager  
Pesticides and Toxics Unit

cc:

Scott Adcock  
Registered Agent for True Science LLC.  
500 E Shore Drive  
Eagle, ID 83616

Enclosures:

1. Guidelines for Active Ingredient Reference Statements on Me-Too Product Labels
2. New TSH EPA Corrective Action Plan March 2015 Final



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